

TREATMENT OF TAX IMPOSED UNDER FORMER SECTION 409(c)

Pub. L. 98-369, div. A, title IV, § 491(f)(5), July 18, 1984, 98 Stat. 853, as amended by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that: “For purposes of section 26(b) of the Internal Revenue Code of 1986 [formerly I.R.C. 1954] (as amended by this Act), any tax imposed by section 409(c) of such Code (as in effect before its repeal by this section) shall be treated as a tax imposed by section 408(f) of such Code.”

SUBPART B—OTHER CREDITS

- Sec.
27. Taxes of foreign countries and possessions of the United States.
[28, 29. Renumbered.]
[30, 30A. Repealed.]
30B. Alternative motor vehicle credit.
30C. Alternative fuel vehicle refueling property credit.
30D. New qualified plug-in electric drive motor vehicles.

AMENDMENTS

2018—Pub. L. 115-141, div. U, title IV, § 401(d)(1)(D)(i), Mar. 23, 2018, 132 Stat. 1206, substituted “Taxes of foreign countries and possessions of the United States” for “Taxes of foreign countries and possessions of the United States; possession tax credit” in item 27.

Pub. L. 115-141, div. U, title IV, § 401(d)(1)(B), Mar. 23, 2018, 132 Stat. 1206, which directed amendment of the table of sections for subpart C of part IV of subchapter A of chapter 1 by striking out item 30A “Puerto Rico economic activity credit”, was executed to the table of sections for this subpart to reflect the probable intent of Congress.

2014—Pub. L. 113-295, div. A, title II, § 221(a)(2)(A), Dec. 19, 2014, 128 Stat. 4037, struck out item 30 “Certain plug-in electric vehicles”.

2009—Pub. L. 111-5, div. B, title I, § 1142(b)(8), Feb. 17, 2009, 123 Stat. 331, substituted “Certain plug-in electric vehicles” for “Credit for qualified electric vehicles” in item 30.

2008—Pub. L. 110-343, div. B, title II, § 205(d)(4), Oct. 3, 2008, 122 Stat. 3839, added item 30D.

2005—Pub. L. 109-135, title IV, § 412(e), Dec. 21, 2005, 119 Stat. 2637, substituted “Alternative fuel vehicle refueling property credit” for “Clean-fuel vehicle refueling property credit” in item 30C.

Pub. L. 109-58, title XIII, §§ 1322(a)(3)(K), 1341(b)(5), 1342(b)(5), Aug. 8, 2005, 119 Stat. 1012, 1049, 1051, struck out item 29 “Credit for producing fuel from a non-conventional source” and added items 30B and 30C.

1997—Pub. L. 105-34, title XVI, § 1601(f)(1)(B), Aug. 5, 1997, 111 Stat. 1090, substituted “Puerto Rico” for “Puerto Rican” in item 30A.

1996—Pub. L. 104-188, title I, §§ 1205(a)(3)(A), 1601(b)(2)(E), (F)(i), Aug. 20, 1996, 110 Stat. 1775, 1833, substituted “Other Credits” for “Foreign Tax Credits, Etc.” in subpart heading, struck out item 28 “Clinical testing expenses for certain drugs for rare diseases or conditions”, and added item 30A.

1992—Pub. L. 102-486, title XIX, § 1913(b)(2)(A), Oct. 24, 1992, 106 Stat. 3020, added item 30.

1986—Pub. L. 99-514, title II, § 231(d)(3)(J), Oct. 22, 1986, 100 Stat. 2180, struck out item 30 “Credit for increasing research activities”.

1984—Pub. L. 98-369, div. A, title IV, § 471(b), July 18, 1984, 98 Stat. 826, added subpart B heading and analysis of sections for subpart B consisting of items 27 (formerly 33), 28 (formerly 44H), 29 (formerly 44D), and 30 (formerly 44F). Former subpart B was redesignated E.

§ 27. Taxes of foreign countries and possessions of the United States

The amount of taxes imposed by foreign countries and possessions of the United States shall

be allowed as a credit against the tax imposed by this chapter to the extent provided in section 901¹

(Aug. 16, 1954, ch. 736, 68A Stat. 13, § 33; Pub. L. 94-455, title X, § 1051(a), Oct. 4, 1976, 90 Stat. 1643; renumbered § 27, Pub. L. 98-369, div. A, title IV, § 471(c), July 18, 1984, 98 Stat. 826; Pub. L. 115-141, div. U, title IV, § 401(d)(1)(A), Mar. 23, 2018, 132 Stat. 1206.)

AMENDMENTS

2018—Pub. L. 115-141 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to the foreign tax credit under section 901 and the tax credit under section 936, respectively.

1984—Pub. L. 98-369, § 471(c), renumbered section 33 of this title as this section.

1976—Pub. L. 94-455 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-455, title X, § 1051(i), Oct. 4, 1976, 90 Stat. 1647, as amended by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that:

“(1) Except as provided by paragraph (2), the amendments made by this section [enacting section 936 of this title and amending sections 33 [now 27], 48, 116, 243, 246, 861, 901, 904, 931, 1504, and 6091 of this title] shall apply to taxable years beginning after December 31, 1975, except that ‘qualified possession source investment income’ as defined in [former] section 936(d)(2) of the Internal Revenue Code of 1986 [formerly I.R.C. 1954] shall include income from any source outside the United States if the taxpayer establishes to the satisfaction of the Secretary of the Treasury or his delegate that the income from such sources was earned before October 1, 1976.

“(2) The amendment made by subsection (d)(2) [amending section 901 of this title] shall not apply to any tax imposed by a possession of the United States with respect to the complete liquidation occurring before January 1, 1979, of a corporation to the extent that such tax is attributable to earnings and profits accumulated by such corporation during periods ending before January 1, 1976.”

SAVINGS PROVISION

For provisions that nothing in amendment by Pub. L. 115-141 be construed to affect treatment of certain transactions occurring, property acquired, or items of income, loss, deduction, or credit taken into account prior to Mar. 23, 2018, for purposes of determining liability for tax for periods ending after Mar. 23, 2018, see section 401(e) of Pub. L. 115-141, set out as a note under section 23 of this title.

[§ 28. Renumbered § 45C]

[§ 29. Renumbered § 45K]

[§ 30. Repealed. Pub. L. 113-295, div. A, title II, § 221(a)(2)(A), Dec. 19, 2014, 128 Stat. 4037]

Section, added Pub. L. 102-486, title XIX, § 1913(b)(1), Oct. 24, 1992, 106 Stat. 3019; amended Pub. L. 104-188, title I, §§ 1205(d)(4), 1704(j)(4)(A), Aug. 20, 1996, 110 Stat. 1776, 1881; Pub. L. 107-147, title VI, § 602(a), Mar. 9, 2002, 116 Stat. 59; Pub. L. 108-311, title III, § 318(a), Oct. 4, 2004, 118 Stat. 1182; Pub. L. 109-58, title XIII, § 1322(a)(3)(A), Aug. 8, 2005, 119 Stat. 1011; Pub. L. 111-5, div. B, title I, § 1142(a), Feb. 17, 2009, 123 Stat. 328; Pub. L. 111-148, title X, § 10909(b)(2)(F), (c), Mar. 23, 2010, 124 Stat. 1023; Pub. L. 111-312, title I, § 101(b)(1), Dec. 17, 2010, 124 Stat. 3298; Pub. L. 112-240, title I, § 104(c)(2)(G), Jan. 2, 2013, 126 Stat. 2322; Pub. L. 113-295, div. A, title

¹ So in original. Probably should be followed by a period.

II, §209(f)(2), Dec. 19, 2014, 128 Stat. 4028, related to certain plug-in electric vehicles.

A prior section 30 was renumbered section 41 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2014, subject to a savings provision, see section 221(b) of Pub. L. 113-295, set out as an Effective Date of 2014 Amendment note under section 1 of this title.

[§ 30A. Repealed. Pub. L. 115-141, div. U, title IV, § 401(d)(1)(B), Mar. 23, 2018, 132 Stat. 1206]

Section, added Pub. L. 104-188, title I, §1601(b)(1), Aug. 20, 1996, 110 Stat. 1830; amended Pub. L. 105-34, title XVI, §1601(f)(1)(A), Aug. 5, 1997, 111 Stat. 1090; Pub. L. 106-554, §1(a)(7) [title III, §311(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-640; Pub. L. 113-295, div. A, title II, §221(a)(12)(C), Dec. 19, 2014, 128 Stat. 4038, related to Puerto Rico economic activity credit. Repeal was executed to this section, which is in subpart B of part IV of subchapter A of chapter 1, to reflect the probable intent of Congress, notwithstanding directory language of Pub. L. 115-141, which repealed section 30A in subpart C of part IV of subchapter A of chapter 1.

SAVINGS PROVISION

For provisions that nothing in repeal by Pub. L. 115-141 be construed to affect treatment of certain transactions occurring, property acquired, or items of income, loss, deduction, or credit taken into account prior to Mar. 23, 2018, for purposes of determining liability for tax for periods ending after Mar. 23, 2018, see section 401(e) of Pub. L. 115-141, set out as a note under section 23 of this title.

AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT

Pub. L. 109-432, div. A, title I, §119, Dec. 20, 2006, 120 Stat. 2942, as amended by Pub. L. 110-343, div. C, title III, §309(a), Oct. 3, 2008, 122 Stat. 3869; Pub. L. 111-312, title VII, §756(a), Dec. 17, 2010, 124 Stat. 3322; Pub. L. 112-240, title III, §330(a), (b), Jan. 2, 2013, 126 Stat. 2335; Pub. L. 113-295, div. A, title I, §141(a), Dec. 19, 2014, 128 Stat. 4020; Pub. L. 114-113, div. Q, title I, §173(a), Dec. 18, 2015, 129 Stat. 3071; Pub. L. 115-123, div. D, title I, §40312(a), Feb. 9, 2018, 132 Stat. 147; Pub. L. 116-94, div. Q, title I, §119(a), (b), Dec. 20, 2019, 133 Stat. 3230; Pub. L. 116-260, div. EE, title I, §139(a), Dec. 27, 2020, 134 Stat. 3054, provided that:

“(a) IN GENERAL.—For purposes of [former] section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if—

“(1) in the case of a taxable year beginning before January 1, 2012, such corporation—

“(A) is an existing credit claimant with respect to American Samoa, and

“(B) elected the application of [former] section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006, and

“(2) in the case of a taxable year beginning after December 31, 2011, such corporation meets the requirements of subsection (e).

“(b) SPECIAL RULES FOR APPLICATION OF SECTION.—The following rules shall apply in applying [former] section 30A of the Internal Revenue Code of 1986 for purposes of this section:

“(1) AMOUNT OF CREDIT.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

“(2) SEPARATE APPLICATION.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section [former] 30A of such Code (and

so much of [former] section 936 of such Code as relates to such [former] section 30A) shall be applied separately with respect to American Samoa.

“(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding [former] section 30A(e) of such Code, the provisions of [former] section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

“(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in [former] section 30A or 936 of such Code shall have the same meaning given such term by such [former] section 30A or 936.

“(d) APPLICATION OF SECTION.—Notwithstanding [former] section 30A(h) or [former] section 936(j) of such Code, this section (and so much of [former] section 30A and [former] section 936 of such Code as relates to this section) shall apply—

“(1) in the case of a corporation that meets the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 16 taxable years of such corporation which begin after December 31, 2006, and before January 1, 2022, and

“(2) in the case of a corporation that does not meet the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 10 taxable years of such corporation which begin after December 31, 2011, and before January 1, 2022.

In the case of a corporation described in subsection (a)(2), the Internal Revenue Code of 1986 shall be applied and administered without regard to the amendments made by section 401(d)(1) of the Tax Technical Corrections Act of 2018 [div. U of Pub. L. 115-141, see Tables for classification].

“(e) QUALIFIED PRODUCTION ACTIVITIES INCOME REQUIREMENT.—A corporation meets the requirement of this subsection if such corporation has qualified production activities income, as defined in [former] subsection (c) of section 199 of the Internal Revenue Code of 1986 (as in effect before its repeal), determined by substituting ‘American Samoa’ for ‘the United States’ each place it appears in paragraphs (3), (4), and (6) of such subsection (c), for the taxable year. References in this subsection to section 199 of the Internal Revenue Code of 1986 shall be treated as references to such section as in effect before its repeal.”

[Pub. L. 116-260, div. EE, title I, §139(b), Dec. 27, 2020, 134 Stat. 3054, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2020.”]

[Pub. L. 116-94, div. Q, title I, §119(c), Dec. 20, 2019, 133 Stat. 3230, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2017.”]

[Pub. L. 115-123, div. D, title I, §40312(b), Feb. 9, 2018, 132 Stat. 147, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2016.”]

[Pub. L. 114-113, div. Q, title I, §173(b), Dec. 18, 2015, 129 Stat. 3071, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2014.”]

[Pub. L. 113-295, div. A, title I, §141(b), Dec. 19, 2014, 128 Stat. 4020, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2013.”]

[Pub. L. 112-240, title III, §330(c), Jan. 2, 2013, 126 Stat. 2335, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2011.”]

[Pub. L. 111-312, title VII, §756(b), Dec. 17, 2010, 124 Stat. 3322, provided that: “The amendments made by this section [amending section 119 of Pub. L. 109-432, set out above] shall apply to taxable years beginning after December 31, 2009.”]